

IN THE DISTRICT COURT OF THE UNITED STATES

for the Western District of New York

**October 2019 GRAND JURY
(Impaneled 10/11/2019)**

THE UNITED STATES OF AMERICA

INDICTMENT

-vs-

Violations:

PHILLIP M. CLOSE

Title 18, United States Code,
Sections 2251(a), 2251(e),
2252A(a)(5)(B), and 2252A(b)(2)
(74 Counts and Forfeiture Allegation)

**COUNTS 1 THROUGH 61
(Production of Child Pornography)**

The Grand Jury Charges That:

Between in or about 2012 and on or about December 5, 2019, the exact dates being unknown, in the Western District of New York, and elsewhere, the defendant, PHILLIP M. CLOSE, did employ, use, persuade, induce, entice, and coerce, and attempt to employ, use, persuade, induce, entice, and coerce, the minor victims set forth below, persons known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, which visual depictions were produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer:

COUNT	MINOR VICTIM
1	Minor Victim 1
2	Minor Victim 2
3	Minor Victim 3
4	Minor Victim 4
5	Minor Victim 5
6	Minor Victim 6
7	Minor Victim 7
8	Minor Victim 8
9	Minor Victim 9
10	Minor Victim 10
11	Minor Victim 11
12	Minor Victim 12
13	Minor Victim 13
14	Minor Victim 14
15	Minor Victim 15
16	Minor Victim 16
17	Minor Victim 17
18	Minor Victim 18
19	Minor Victim 19
20	Minor Victim 20
21	Minor Victim 21
22	Minor Victim 22
23	Minor Victim 23
24	Minor Victim24
25	Minor Victim 25
26	Minor Victim 26
27	Minor Victim 27
28	Minor Victim 28
29	Minor Victim 29
30	Minor Victim 30
31	Minor Victim 31
32	Minor Victim 32
33	Minor Victim 33
34	Minor Victim 34
35	Minor Victim 35
36	Minor Victim 36
37	Minor Victim 37

COUNT	MINOR VICTIM
38	Minor Victim 38
39	Minor Victim 39
40	Minor Victim 40
41	Minor Victim 41
42	Minor Victim 42
43	Minor Victim 43
44	Minor Victim 44
45	Minor Victim 45
46	Minor Victim 46
47	Minor Victim 47
48	Minor Victim 48
49	Minor Victim 49
50	Minor Victim 50
51	Minor Victim 51
52	Minor Victim 52
53	Minor Victim 53
54	Minor Victim 54
55	Minor Victim 55
56	Minor Victim 56
57	Minor Victim 57
58	Minor Victim 58
59	Minor Victim 59
60	Minor Victim 60
61	Minor Victim 61

All in violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

COUNTS 62 THROUGH 74
(Possession of Child Pornography)

The Grand Jury Further Charges That:

Between on or before December 5, 2019, the exact dates being unknown, and on or about December 8, 2019, in the Western District of New York, and elsewhere, the defendant, PHILLIP M. CLOSE, did knowingly possess, and access with intent to view, the material set

forth below, that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that involved a prepubescent minor and a minor who had not attained 12 years of age, that had been shipped and transported using any means and facility of interstate and foreign commerce; that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer:

<u>COUNT</u>	<u>MATERIAL</u>
62	Western Digital My Book, Serial Number WMC1T2077371
63	ASUS Desktop Computer, Serial Number J1PDCG002644013
64	ASUS Laptop, Model 7265NGW, Serial Number G3N0CX063175115
65	Intel Solid State drive 1TB, Model SSDPEKNW01OTB, Serial Number PHNH9135026R1P0B
66	Custom Built Spy Camera w/ADATA 16 Micro SD Card, Serial Number 61661213G2188A76004
67	ZTE Cell Phone, Model Z812, IMEI 869578027703433, Serial Number 327B64275A00
68	DVD entitled "movies1"
69	DVD entitled "movies"
70	DVD entitled "movies15"
71	DVD entitled "movies29"
72	DVD entitled "movies25"
73	DVD entitled "movies29"
74	DVD entitled "movies26"

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

FORFEITURE ALLEGATION

The Grand Jury Alleges That:

Upon conviction of any of the offenses set forth in Counts 1 through 74 of this Indictment, the defendant, PHILLIP M. CLOSE, shall forfeit to the United States any matter which contains any visual depiction of child pornography, which was produced, transported, mailed, shipped, or received and/or any and all property, real and personal, used or intended to be used to commit or to promote the commission of such offenses, and all property traceable to such property, including but not limited to the following:

- a. One (1) Western Digital My Book, Serial Number WMC1T2077371;
- b. One (1) ASUS Desktop Computer, Serial Number J1PDCG002644013 with (2) hard drives:
 - i. Western Digital 1 TB, Serial number WCATR582870; and
 - ii. Toshiba 2 TB, Serial Number 77H5JNEAS;
- c. One (1) ASUS Laptop, Model 7265NGW, Serial Number G3N0CX063175115 with power cord;
- d. One (1) Intel Solid State drive 1TB, Model SSDPEKNW01OTB, Serial Number PHNH9135026R1P0B;
- e. One (1) Custom Built Spy Camera w/ADATA 16 Micro SD Card, Serial Number 61661213G2188A76004;
- f. One (1) ZTE Cell Phone, Model Z812, IMEI 869578027703433, Serial Number 327B64275A00;
- g. One (1) Custom Built Spy Camera with Kingston 16 GB Micro SD Card;
- h. Seven (7) Custom Built Cameras, No Identifying Numbers;
- i. Clock Spy Camera, No Identifying Numbers;

- j. One (1) DVD entitled “movies1”;
- k. One (1) DVD entitled “movies”;
- l. One (1) DVD entitled “movies15”;
- m. One (1) DVD entitled “movies29”;
- n. One (1) DVD entitled “movies25”;
- o. One (1) DVD entitled “movies29”;
- p. One (1) DVD entitled “movies26”;

All pursuant to Title 18, United States Code, Sections 2253(a)(1) and 2253(a)(3).

DATED: Rochester, New York, December 10, 2020.

JAMES P. KENNEDY, JR.
United States Attorney

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A TRUE BILL:

s/FOREPERSON